

AUG 17 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re HILDEBRANDT et al. Attn: Art Unit 2856
 Serial No. 10/674,168 Examiner Charles D. Garber
 Filing Date 09/29/2003 August 2005 Amendment
 DIRECTLY REFRIGERATED BLOCK

Commissioner for Patents, Alexandria, VA 22313-1450:

I certify that this correspondence is facsimile-transmitted to the Patent and Trademark Office (571-273-8300) on 17 AUG 2005:

Christopher John Rudy 8/17/2005.

Thank you for the 05/18/2005 Office action for the present patent application. In reply to the action, please reconsider and further examine this application.

CLAIMS AMENDMENTS follow this page. Without entry of new matter, the present amendment more particularly points out and distinctly claims the invention, and is fully supported by the underlying specification to include drawings. With no additional fee currently due, claims 1-3, 7-15 and 19-24 are present.

The withdrawal of claims 12 and 15 (group III) as set forth in the outstanding action is strenuously traversed. These claims were rejoined in the previous action, i.e., that of 01/27/2005, on page 3, third full paragraph, and were acted upon, on the merits, on pages 5, 7 and 8. In fact the Examiner stated in that action on page 7, "Claim 15 is considered to be substantively the same as claim 8 . . .," claim 8 being a member of the provisionally elected group I. Such action was relied on by the Applicants in the amendment filed on April 4th. No further reasons were given to support this restriction. The restriction of claim 3 (group II) is likewise traversed. Claims 9, 11 and 14, previously identified as being in group II and clearly identified in the amendment filed on April 4th as "withdrawn," hence not amended thereby (but for which claims instructions had been given for an Examiner's amendment on the introductory page of the amendment filed on April 4th for intended dependencies and formalities), were acted upon by examination in the outstanding action and objected to, and, therefore, are now considered to be rejoined. Accordingly, withdrawn claim 3 should be rejoined with present claims 9, 11 and 14, with, for example, claim 11 having the same limitations as presented in claim 10 that engendered the reasons for allowance of claim 10. Moreover, as applies to all claims, all the generic and elected claims distinguish over the art. New claims 19-24 have limitations of allowable claim 10 (with claim 8 and former claim 1, sans claim 2) in generic claim 19; claim 2 in claim 20, having the same limitations that engendered the reasons for allowance of former claim 10 and reading on elected group I; claim 3 in claim 21, reading on group II; and claims 12-15 in claims 22-24, reading on group III plus being generic (claim 22); or plus group I (claim 23); or plus group II (claim 24), which should be allowed. Please therefore withdraw these restrictions.

FURTHER REMARKS conclude the present paper.